

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40366 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- MATIHANI District- Begusarai

PHOOL CHAND KUMAR @ PHULCHNAD KUMAR son of Late
Bhuneshwar Singh Village- Ramdiri Bhavanandpur tola Ps- Matihani Dist-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Pooja Kumari, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard Ms. Pooja Kumari, learned counsel for the
petitioner and learned APP for the State.

The petitioner is an accused in connection with
Matihani P.S. Case No. 33 of 2023 registered for the offences
under sections 25(1-B)a and 26 of the Arms Act lodged on
22.03.2023 by the informant, Anil Kumar Singh.

The prosecution case, in brief, is that the informant
submitted his written report alleging therein that on 22.03.2023
at about 10 O'clock, he along with armed forces proceeded from
the police station for patrolling and vehicle checking.

The informant further alleged that in course thereof,
he received a secret information that Phool Chand Kumar is
coming to the village with arms and ammunitions. For



verification of such information and necessary action, he informed to the Senior Officer and as per the order, when he along with other police personnel proceeded for raid and reached the place and found a person trying to escape. He was apprehended.

The informant further alleged that when the petitioner was searched, in presence of two police constables (as villagers chose not to become witness) one loaded country made pistol with magazine containing 4 live cartridges of 7.65 were recovered and accordingly seizure list has been prepared and FIR lodged.

Learned Counsel for the petitioner submits that there is recovery/seizure of country made pistol and four cartridges from his possession which the police has attributed to him. Her next submission is that the police has dragged him in the case only because he has criminal antecedent for which he has already been in custody since 23.03.2023 (as stated in paragraph 14 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the fact that he is in custody since 23.03.2023 and will ultimately have to face the trial, this Court



is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Matihani P.S. Case No. 33 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is allowed.

Before parting, the Court would like to put on record its word of appreciation for Ms. Pooja Kumari learned counsel for the petitioner for proper assistance rendered in the matter.

(Rajiv Roy, J)

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